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Attorney for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

NATACHA PEREZ, *et al.*,

Plaintiffs,

vs.

BAYER CORP.; BAYER HEALTHCARE
LLC; BAYER ESSURE INC., (F/K/A
CONCEPTUS, INC.); BAYER HEALTHCARE
PHARMACEUTICALS, INC.; and DOES 1-10,
inclusive,

Defendants.

) Case No. 3:17-cv-01847-WHA

)

) **JOINT STIPULATION TO
REMAND; [PROPOSED ORDER]**

)

) Honorable William Alsup

) Date: None Set

) Time:

) Place: San Francisco Courthouse, 450

) Golden Gate Avenue, 19th Floor, Courtroom
8, San Francisco, California 94102

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1 Plaintiffs Natacha Perez, *et al.*, and defendants and specially-appearing defendants Bayer
2 Corporation, Bayer Essure Inc., Bayer HealthCare LLC, and Bayer HealthCare Pharmaceuticals
3 Inc. (collectively, “Bayer”), hereby stipulate and agree as follows:

4 1. Plaintiffs filed their initial Complaint on December 23, 2016, in the Superior Court
5 for the State of California, County of Alameda. In their complaint, Plaintiffs asserted claims
6 involving the Essure® Permanent Birth Control System (the “Essure® Device”).

7 2. On April 5, 2017, Bayer removed the matter from the Alameda County Superior
8 Court to the United States District Court for the Northern District of California.

9 3. Bayer filed its Motion to Dismiss on April 10, 2017, on the grounds of federal
10 preemption, among other grounds.

11 4. On April 20, 2017, Plaintiffs moved to remand this action to the Superior Court of
12 Alameda County, State of California, pursuant to 28 U.S.C. § 1447, on the grounds that this Court
13 lacks jurisdiction over this action.

14 5. On April 27, 2017, briefing on Bayer’s Motion to Dismiss and Plaintiffs’ Motion to
15 Remand was stayed pending this Court’s decision in a related case pending before this Court
16 involving the Essure® Device, captioned as *Elizabeth Ann Sangimino, et al. v. Bayer Corp., et al.*,
17 Case No. 3:17-cv-01488-WHA.

18 6. On June 9, 2017, this Court granted Plaintiffs’ Motion to Remand in the *Sangimino*
19 matter and denied the Motion to Dismiss as moot.

20 7. The parties have met and conferred and agree to remand this case to the Alameda
21 County Superior Court.
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23 8. The parties thus respectfully ask the Court to enter an order remanding this case to
24 state court based on the stipulation of the parties.

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IT IS SO STIPULATED.

Dated: June 19, 2017

SIDLEY AUSTIN LLP

By: /s/ Alycia A. Degen

Alycia A. Degen

Bradley J. Dugan

*Attorneys for Defendants and Specially
Appearing Defendants*

Bayer Corporation, Bayer HealthCare LLC,
Bayer Essure Inc., and Bayer HealthCare
Pharmaceuticals Inc.

Dated: June 19, 2017

McCUNE-WRIGHT AREVALO, LLP

By: /s/ Kristy M. Arevalo

Kristy M. Arevalo

Attorneys for Plaintiffs

Natacha Perez, *et al.*

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By: /s/ Alycia A. Degen
Alycia A. Degen

~~1~~ **[PROPOSED] ORDER**

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3 PURSUANT TO THE PARTIES' STIPULATION, and for good cause shown, IT IS
4 ORDERED THAT Perez v. Bayer Corporation, Case No. 3:17-CV-01847-WHA, be remanded to
5 the Superior Court of the State of California, County of Alameda.

6 IT IS SO ORDERED.

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8 Dated: June 20, 2017 .

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Honorable William H. Alsup